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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,578	09/19/2005	Takato Masuda	017700-0178	1198

23392 7590 10/06/2008  
FOLEY & LARDNER  
2029 CENTURY PARK EAST  
SUITE 3500  
LOS ANGELES, CA 90067

EXAMINER
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ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,578	<b>Applicant(s)</b> MASUDA ET AL.	
	<b>Examiner</b> MOHAMMAD M. ALI	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/28/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose et al., (2001-202837 A) in view of Graneau et al., (US 3,646,243) Hirose et al. disclose method of operating a superconducting cable 2 using a conductor cooled by a refrigerant I/O to transmit electric power, characterized in that refrigerant's temperature is changed in accordance with a transmission capacity of a superconducting cable 2. See Fig.1-2, Para [0002] and [0003], [0004], [0005], [0006], [0007] and [0010].; Para [0003] states cooling system including a freezer or a thermal-conversion machine in the longitudinal direction of the cable for every constant interval, in order to always hold a picture superconductivity cable to very low temperature. This

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cooling system need to suppress a temperature change for the liquid nitrogen in which temperature rose with the generating heat ----- . Therefore, the installation zone length of the processing quantity of heat and cooling system of a refrigerant flow rate and a cooling system is decided to enter in the above-mentioned width. -----at the time of overload, the refrigerant flow rate is made to increase to cooling near an applicable portion intensively. This disclosure is supporting "temperature is changed in accordance with a transmission capacity of a superconducting cable. Para [0004] states, The liquid nitrogen cooled by the cooling system must hold the temperature in service temperature variation width----. This supports that the variation of cooling load must be meet by holding the temperature in the service temperature variation width. Para [0005] and [0006] state how to increase electric capacity in a superconductive cable. Para [0007] states how to provide more low temperature in times of need. Para [0010] states how to increase transmission capacity. Horose et al., disclose the invention as claimed as stated above except plurality of cable circuit, control mechanism and switching mechanism and a failed circuit to provide refrigerant to a good circuit. Graneau et al., teach the use of plurality of superconducting cable circuits 10 and 11; a control mechanism 17 and switching mechanism 60, 61, 62, 63, 64 and Greneau et al., also teach to utilize to cool one electrical circuit in the event of break down of the other (See claim 3) in a superconductive cooling circuit for the purpose of controlling a cooling circuits diverting the fluid in various flow paths to meet the cooling demand in various situation. As the cooling circuit can be switched to various flow path an ordinary skill of art obviously able to know how the divert a cooling circuit from a blocked line to another

non blocked line in order to block supply of the refrigerant to the unavailable superconducting cable and allow supply of refrigerant to a remaining good superconducting cable for claim as taught by claim 3 above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of operating a super conducting cable of Hirose et al., in view of Greneau et al., such that plurality of superconducting cable circuits, a control mechanism, a switching mechanism 60, 61, 62, and a fail safe mechanism as taught by claim 3 of Greneau et al., could be provided in order to run the super conducting cable cooling circuits and provide fail to the breakdown circuit.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/  
Primary Examiner, Art Unit 3744